

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Tenth
Legislature

OF THE

STATE OF MAINE

SECOND REGULAR SESSION
January 6, 1982 to April 13, 1982

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FOURTH SPECIAL SESSION
April 28, 1982 and April 29, 1982

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FIFTH SPECIAL SESSION
May 13, 1982

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SECOND CONFIRMATION SESSION
July 16, 1982

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HOUSE

Friday, March 26, 1982

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Reverend Brian Rebert of the New Hope Baptist Church, Farmington.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication: (S. P. 958)

**State of Maine
Senate Chamber
President's Office**

Augusta, Maine 04333

March 25, 1982

Honorable Dana C. Devoe
Honorable Barry J. Hobbins
Chairmen

Committee on Judiciary
State House

Augusta, Maine 04333

Dear Committee Chairmen:

Please be advised that Governor Joseph E. Brennan is nominating Earl J. Wahl of Calais for appointment to the Maine District Court, Fourth District Seat.

Pursuant to Title 4 MRSA Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL
President of the Senate
S/JOHN L. MARTIN
Speaker of the House.

Came from the Senate read and referred to the Committee on Judiciary.

In the House, the Communication was read and referred to the Committee on Judiciary in concurrence.

Special Sentiment Calendar

In accordance with House Rule 56, the following items (Expressions of Legislative Sentiment) Recognizing:

Angie Emery, who has been chosen Franklin County Farm Bureau Queen; (H. P. 2242) by Representative Mahany of Easton. (Cosponsors: Senators Hichens of York, Wood of York and Representative Sherburne of Dexter)

Richard Meader, head basketball coach at Thomas College, who has been named coach of the Year in NAIA District Five; (H. P. 2243) by Representative Gwadosky of Fairfield. (Cosponsors: Representatives Fitzgerald of Waterville, Kany of Waterville and Senator Pierce of Kennebec)

Carmen Dame, of Massabesic High School, the only 1,000-point scorer in the history of the school; (H. P. 2244) by Representative Hanson of Kennebunkport.

Sean Crotty, of Kennebunkport, who has been elected governor of the 1982 Model State Legislature at Bates College; (H. P. 2245) by Representative Hanson of Kennebunkport.

John D. McGuire, of Lewiston, who has been named a recipient of the Jefferson Award; (H. P. 2246) by Representative Lewis of Auburn. (Cosponsors: Representative Boisvert of Lewiston, Senators Minkowsky of Androscoggin and Charette of Androscoggin)

Sharlene Hooper, of Machias, winner of the Maine finals of the Wrangler Jeans Country Star Search Contest; (H. P. 2247) by Representative Randall of East Machias. (Cosponsor: Senator Brown of Washington)

The top 10 students at Oxford Hills High School: Joseph Shropshire, of South Paris; Stacie Ramsay, of South Paris; Arnold Twitchell, of Oxford; Carla Bailey, of South Paris; Cathy Scribner, of South Paris; Noreen Bell, of South Paris; Bonnie Hill, of Harrison; Shelley Rosenberg, of South Paris; Timothy Witham, of South Paris; and Patrick May, of Norway; (H. P. 2248) by Representative Bell of Paris. (Cosponsors: Senator Sutton of Oxford, Repre-

sentatives Twitchell of Norway and Jackson of Harrison)

John Hutchins, of Buxton, upon attaining the high rank and distinction of Eagle Scout; (H. P. 2249) by Representative Roberts of Buxton.

Paul Jones, of Minot, recently named chairman of the Agricultural Advisory Council and Maine's Poultryman of the Year for 1982; (H. P. 2254) by Representative Callahan of Mechanic Falls. (Cosponsors: Representative Lewis of Auburn and Senator Trafton of Androscoggin)

Flossie Lancaster, of Dexter, a very lovely and special lady, who will be joined by family and friends on March 29, 1982 to celebrate the 100th anniversary of her birth; (H. P. 2255) by Representative Sherburne of Dexter. (Cosponsor: Senator Emerson of Penobscot)

Jeff Durand, son of Mr. and Mrs. Richard Durand of Caribou, chosen salutatorian of Caribou High School for 1982; (H. P. 2258) by Representative Peterson of Caribou. (Cosponsors: Representative Matthews of Caribou and Senator McBreairey of Aroostook)

Jane Umphrey, daughter of Mr. and Mrs. Wilmont Umphrey of Caribou, chosen valedictorian of Caribou High School for 1982; (H. P. 2259) by Representative Peterson of Caribou. (Cosponsors: Representative Matthews of Caribou and Senator McBreairey of Aroostook)

In Memory of:

Willis Parsons, of Otisfield, a beloved public servant of that locality; (H. P. 2250) by Representative Jackson of Harrison. (Cosponsors: Senator Sutton of Oxford, Representatives Bell of Paris and Twitchell of Norway)

Gil "Gilson" Johnson, of Old Orchard Beach, a former combat marine fighter; (H. P. 2251) by Representative McSweeney of Old Orchard Beach.

Carroll W. Millett, of Norway, who lost his life while on duty as a police officer in South Paris; (H. P. 2252) by Representative Bell of Paris. (Cosponsors: Senator Sutton of Oxford, Representatives Twitchell of Norway and Jackson of Harrison)

There being no objections, these items were considered passed or adopted and sent up for concurrence.

**House Reports of Committees
Ought to Pass in New Draft**

Representative Salsbury from the Committee on Marine Resources on Bill "An Act Concerning the Regulation of Atlantic Salmon" (Emergency) (H. P. 1986) (L. D. 1953) reporting "Ought to Pass" in New Draft (Emergency) (H. P. 2256) (L. D. 2104)

Representative Swazey from the Committee on Local and County Government on Bill "An Act to Amend the Charter of the Lucerne-in-Maine Village Corporation" (H. P. 1783) (L. D. 1773) reporting "Ought to Pass" in New Draft (H. P. 2257) (L. D. 2105)

Representative Hickey from the Committee on Aging, Retirement and Veterans on Bill "An Act to Remove Restrictions Preventing Persons Elected to the Legislature from Receiving Certain Benefits" (H. P. 2158) (L. D. 2058) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Remove Restrictions Preventing State Retirees from Receiving Certain Benefits" (H. P. 2260) (L. D. 2106)

Reports were read and accepted and the New Drafts read once.

Under suspension of the Rules, the New Drafts were read the second time, passed to be engrossed and sent up for concurrence.

Ought to Pass**Pursuant to Joint Order H. P. 1846**

Representative LaPlante from the Committee on Local and County Government pursuant to Joint Order H. P. 1846 reporting a RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1982 (Emergency) (H. P. 2253) (L. D. 2102) asking leave to report that

the same "Ought to Pass"

Report was read and accepted and the Resolve read once. Under suspension of the rules the Resolve was read the second time, passed to be engrossed and sent up for concurrence.

Consent Calendar**Second Day**

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(H. P. 1956) (L. D. 1929) Bill "An Act to Encourage Fuel Diversity by Increased Use of Natural Gas" (Emergency) (C. "A" H-689)

No objections having been noted at the end of the Second Legislative Day, the House Paper was passed to be engrossed as amended and sent up for concurrence.

Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

An Act to Revise the Education Law (Emergency) (S. P. 897) (L. D. 2042)

Tabled—March 24 by Representative Connolly of Portland.

Pending—Motion of the same gentleman to Reconsider Failing of Passage to be Enacted.

On motion of Mr. Diamond of Windham, retabled pending the motion of the gentleman from Portland, Mr. Connolly, to reconsider whereby the Bill failed of passage to be enacted and assigned for Monday, March 29.

The Chair laid before the House the second tabled and today assigned matter:

An Act Relating to the Compensation of Public Utilities' Commissioners (H. P. 1921) (L. D. 1903) (C. "A" H-626)

—In House, Failed of Passage to be Enacted on March 11.

—In Senate, Passed to be Enacted in non-concurrence.

Tabled—March 25 by Representative Connolly of Portland.

Pending—Further Consideration.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker, I move this be tabled for one legislative day.

Whereupon, Mrs. Reeves of Pittston requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Orono, Mr. Davies, that this be tabled for one legislative day. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Miss Lewis of Auburn requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one-fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Orono, Mr. Davies, that this be tabled for one legislative day pending further consideration. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Beaulieu, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brown, A.; Carroll, Carter, Clark, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Dillenback, Erwin, Gillis, Gowen, Gwadosky, Hall, Hickey, Higgins, H.C.; Jalbert, Joyce, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, Laverriere, MacEachern, Macomber, Mahany, Manning, Martin, H.C.; Masterman, McCallister, McGowan, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Nelson, M.; Norton, Paradis, E.; Paradis, P.; Paul, Pearson, Perry, Peterson, Post, Pouliot, Racine, Richard,

Ridley, Roberts, Rolde, Smith, C.B.; Soulas, Soule, Strout, Swazey, Telow, Theriault, Thompson, Twitchell, Vose, Weymouth, The Speaker.

NAY—Aloupis, Armstrong, Austin, Baker, Bell, Brodeur, Brown, D.; Brown, K.L.; Cahill, Connolly, Curtis, Damren, Davis, Day, Dexter, Drinkwater, Dudley, Fitzgerald, Foster, Gavett, Hanson, Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jordan, Lancaster, Lewis, Lund, MacBride, Martin, A.; Matthews, McHenry, McPherson, Moholland, Murphy, Nelson, A.; O'Rourke, Perkins, Pines, Randall, Reeves, J.; Reeves, P.; Salsbury, Smith, C.W.; Stevenson, Stover, Studley, Tarbell, Treadwell, Walker, Webster, Wentworth.

ABSENT—Brennerman, Callahan, Carrier, Chonko, Conary, Connors, Cunningham, Fowlie, Hayden, Hobbs, Huber, Jacques, Kane, LaPlante, Lisnik, Livesay, Locke, Masterton, Nadeau, Sherburne, Small, Tuttle.

Yes, 72; No, 57; Absent, 22.

The SPEAKER: Seventy-two having voted in the affirmative and fifty-seven in the negative, with twenty-two being absent, the motion does prevail.

The Chair laid before the House the third tabled and today assigned matter:

Bill, "An Act Relating to the Closing of State Liquor Stores in Communities with One Store" (Emergency) (H. P. 1996) (L. D. 1972)

—In House, Receded from Passage to Be Engrossed on March 24.

—In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H. 641) in non-concurrence.

Tabled—March 25 by Representative Mitchell of Vassalboro.

Pending—Further Consideration.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Two days ago, I had the honor of accompanying the Director of the Bureau of Alcoholic Beverages to my community to look over some property that might be available for a state liquor store. I am pleased to report to you that it is a very enlightening experience when you accompany a director, and I have to admit to you, it was a brand new field for me. I have never been involved in this type of activity before and perhaps that is why I found it so interesting.

I found, to my amazement, that the operation of a liquor store is not as simple as people seem to think it is. It does not just entail available space; there are many other considerations to consider.

There is additional space that has been found next to the piece of property that was rejected by the commission last year. The space is behind an adjacent leased space and there is passageway to it and it could serve as an area for storage.

The entire square footage is less than 2,000 square feet, and that would make the liquor store in my community one of the smallest in the state for a community of 8,000 people, and I asked the commissioner, "Would this be satisfactory?" The commissioner informed me that anything is possible — when you have to, you have to, but it is not ideal conditions.

He informed me that they would have to keep a smaller supply on hand, and it is possible that they may run out of certain brands, which might be an inconvenience to the taxpayers of Winslow. He also informed me that where the community of Winslow has few — I believe we only have two — wholesalers that purchase from the store, it might not be a problem; then again, it might be.

The other problem that might arise is that the stores are supplied by a 16-wheeler and it might be difficult to supply the store, the space is not ideal, and if they run out of supplies, a 16-wheeler can't come up there every week; how-

ever, if it has to be, it has to be. The commissioner informed me that he would try his best to make the system operate but it is not ideal, it is far from ideal.

This is just the tip of the iceberg, as far as I am concerned. There is a problem.

I told you before that I voted for that 10 mile radius when the bill came up, and I think most of us did in the legislature. I think I made a mistake when I voted for that bill. What we have succeeded in doing is handcuffing the Liquor Commission, they are locked in, they have got no flexibility and that is no way to operate a business.

You have received a piece of paper from the Chairman of the Legal Affairs Committee informing you that maybe 26 communities could be affected by the same conditions as Winslow. I seriously doubt that, but I am willing to wager anybody in this House, and my good friend from Lewiston usually says fifteen to one, that sounds like a good bet, I am willing to wager that the next two communities that are going to be affected are not on this list. I happen to know which ones they are. They are in much the same condition that my town is in, and at the rate the leases are going, the state is apt to have to pay \$15,000 for rental space for liquor stores. That is a familiar figure to me, because several weeks ago when we were working on the job service bill, we discovered much to our amazement that the state is laying out huge sums of money for leased properties. I did more research and I discovered that the total amount of rental space being hired by the state amounts to \$4 million a year. That's a lot of money, money that is taxpayers' money, money that could be utilized much more efficiently, and I am sure that the state could lease property at a much more reasonable rate than they are paying now, but, unfortunately, there is not mechanism to do this.

BPI, at the request of the Governor, last year there was a task force study on leased property and this is where much of this information comes from. Yesterday morning on the appropriations bill we inserted language that would require every state agency to cooperate with BPI in trying to locate some of these leased properties into one building. For example, in the City of Waterville there was a federal post office that was released by the GSA, General Services Administration of the federal government, as it was no longer needed and it was offered to the community. The community refused it. It is one of those beautiful granite buildings and it belongs on the historical register, which means that you can't change the face of it or the outside and you can make some alterations to the interior. But this particular piece of property was finally purchased by an individual for \$120,000 a year.

I don't know what the exact square footage is, but it is a good size building and it would be big enough to have housed the Job Service Office, it would have been big enough to house a liquor store on the lower floor and it would have been big enough to house most of the Human Services activities now being conducted in the City of Waterville. In the long run, it would have been much more economical for the State of Maine to have purchased that building and in so doing spend less of the taxpayers' hard earned dollars.

In the position that we are in now, it is much the same with the Liquor Commission. The space that they normally used to chased for as anchor stores in many of the shopping centers is no longer the same. Economics have changed, shopping centers are now prime space because of the habits of the consumer, and the liquor stores are being evicted. This is what is occurring in my community and it is going to occur in other communities.

I think it behooves us to provide some flexibility to the commissioner, and if I understand the law correctly, the way it is now, if a state store were to close, there has to be local hear-

ings and the community would become involved and I think it should be a local option.

It reminds me that we always clamor for local control when we receive federal funds, and I think we should afford the local community the same opportunity.

With that in mind, Mr. Speaker, I would withdraw my motion to recede and I would hope that the House would defeat the other motion, which is to recede and concur and I would hope that we would be able to adhere.

Thereupon, on motion of Mr. Carter of Winslow, under suspension of the rules, the House reconsidered its action whereby it voted to recede from passage to be engrossed.

The same gentleman withdrew his motion to recede.

The SPEAKER: The pending question is on the motion of the gentleman from Brewer, Mr. Cox, that the House recede and concur.

The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Before we vote on this, I have perhaps a very parochial question to ask, but I would like to pose it anyway since I have tried to read the statutes over relative to this particular problem and want to know if a situation in my district would have any — whether or not present law affects that situation or if we change the law, I don't want to be voting for something here that is going to change the law that will be a detriment to my town. I will lay out the scenario for you and perhaps somebody from the Legal Affairs Committee can tell me the answer to my question.

That is, several years ago we were in a similar situation of the gentleman from Winslow. Mr. Carter in that we had a liquor store which the commission closed, whereupon they were nice enough to let us open not one but two agency stores. Consequently, what happened was, one of them went out of business, so we have one left in the town right now. There is some concern by that individual that runs the small package store, it is a corner store, more or less, his concern is that the commission may have the authority to allow one of the large chains of grocery stores to open up. He understands that they are interested in having an agency store in their store, which, if they had competition, would certainly put him out of business. He is concerned about that and he knew of this bill being in and wondered if it affected him in any way.

I guess my question is, first of all, does this bill affect him in any way? Second of all, does the present law allow for more than one agency store in the same town and would the commission have the right to close him down and give it to some other store in the town if they felt it would be of more benefit to them than this small agency store would be?

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, if I understand the gentleman correctly, he is inquiring about the present law. Under the present law, if the agency store in this community — I am assuming these agency stores were in existence before 1979. If they were in existence before January 1, 1979, under the existing law the agency store could be replaced once, even though it were within ten miles of another store.

As far as more than one agency store in a town, if it were within 10 miles of another one, a new one, an additional one could not be opened.

Thereupon, on motion of Mr. Diamond of Windham, tabled pending the motion to recede and concur and later today assigned.

The Chair laid before the House the fourth tabled and today assigned matter:

Bill, "An Act Concerning Maine Emergency Medical Services" (H. P. 2234) (L. D. 2092)

Tabled—March 25 by Representative Nelson

of Portland.

Pending—Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Brodeur.

Mr. BRODEUR: Mr. Speaker, Ladies and Gentlemen of the House: There is an amendment that is being prepared that hasn't been printed yet, and I would like to have somebody table this until later in today's session.

Whereupon, on motion of Mr. Diamond of Windham, tabled pending passage to be engrossed and later today assigned.

The Chair laid before the House the fifth tabled and today assigned matter:

Senate Divided Report — Report "A" (10) "Ought to Pass" as amended by Committee Amendment "A" (S-426) — Report "B" (2) "Ought Not to Pass" — Report "C" (1) "Ought to Pass" as amended by Committee Amendment "B" (S-427) — Committee on Judiciary on Bill, "An Act to Establish a Small Claims Court" (S. P. 743) (L. D. 1746) — In Senate, Report "A" read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-426) as amended by Senate Amendment "A" (S-435) thereto.

Tabled—March 25 by Representative Soule of Westport.

Pending—Motion of Representative Benoit of South Portland to Accept Report "A".

On motion of Ms. Benoit of South Portland, tabled pending the motion of the same gentleman that Report A be accepted in concurrence and tomorrow assigned.

The Chair laid before the House the sixth tabled and today assigned matter:

Bill, "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law" (Emergency) (H. P. 2239) (L. D. 2098)

Tabled—March 25 by Representative Jalbert of Lewiston.

Pending—Assignment of Second Reading.

Thereupon, the Bill was assigned for second reading the next legislative day.

The following paper appearing on Supplement No. 1 was taken up out of order by unanimous consent:

Passed to Be Enacted

An Act to Protect the Atlantic Salmon Fishery in the Lower Penobscot River from Veazie to the Southernmost Point of Verona Island (S. P. 906) (L. D. 2048) (C. "A" S-436)

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This has been somewhat of a controversial issue in my communities and some of the communities along the Penobscot Valley, along the Penobscot River.

First of all, I would like to thank, being one of the sponsors and on behalf of all the sponsors, the committee for all the work it did in coming out with a bill that created something satisfactory to all people concerned. The committee, in my opinion, has not taken one single thing away from the City of Bangor in its actions and, in fact, more or less went along with what the original law did back in the 1870's or 1880's in granting the City of Bangor the right to build a dam and store water along the Penobscot River. I know that we are very happy with the results of the action of the committee, and I can see that in no way is this legislation taking anything away from my community, which is the City of Bangor, by its actions.

I would urge passage of this document.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

Bill Held

Bill, "An Act to Adjust the Eating, Lodging and Recreational Place Licensing Fee" (S. P.

811) (L. D. 1907) — In House, Bill and Accompanying Papers Indefinitely Postponed on March 25.

Held at the request of Representative Curtis of Waldoboro.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, having voted on the prevailing side whereby this bill was indefinitely postponed, I now move the House reconsider its action and hope that you all vote against me.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, I move that this be tabled for one legislative day.

Whereupon, Mrs. Berube of Lewiston requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mrs. Nelson, that this be tabled for one legislative day. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Nelson of Portland requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mrs. Nelson, that this be tabled for one legislative day pending the motion of Mr. Curtis of Waldoboro to reconsider whereby the Bill was indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Baker, Beaulieu, Benoit, Boisvert, Boyce, Brannigan, Brodeur, Carroll, Carter, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Gowen, Gwadosky, Hall, Hickey, Higgins, H.C.; Jalbert, Joyce, Kany, Kelleher, Ketover, Kilcoyne, Laverriere, Locke, MacEachern, Macomber Mahany, Manning, Martin, H.C.; McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nelson, M.; Norton, Paradis, P.; Pearson, Perry, Post, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C.B.; Soule, Swazey, Theriault, Thompson, Twitchell, Vose, Willey, The Speaker.

NAY—Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Chonko, Conary, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Hanson, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jackson P.C.; Jordan, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Martin, A.; Masterman, Masterton, Matthews, McPherson, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Paul, Perkins, Peterson, Pines, Randall, Reeves, J.; Salisbury, Sherburne, Small, Smith, C.W.; Soulas, Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth, Weymouth.

ABSENT—Connors, Fowlie, Hayden, Hobbins, Jacques, Kane, LaPlante, Lisnik, Nadeau, Tuttle.

Yes, 68; No, 73; Absent, 10.

The SPEAKER: Sixty-eight having voted in the affirmative and seventy-three in the negative, with ten being absent, the motion to table does not prevail.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Fairfield, Mr. Gwadosky, to the rostrum

for the purpose of acting as Speaker pro tem.

Thereupon, Representative Gwadosky assumed the Chair as Speaker Martin retired from the hall.

The SPEAKER Pro Tem: The pending question is on the motion of the gentleman from Waldoboro, Mr. Curtis, that the House reconsider its action whereby this Bill and all accompanying papers were indefinitely postponed.

The Chair recognizes the gentleman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I shall be brief. I think we all know how we feel on this particular issue. I would hope that you would not vote against Mr. Curtis. He gave me—he was very polite—he held the bill and allowed me an extra day to get some information to share with you, and I appreciate that and I thank him for that.

I hope you will, indeed, reconsider your vote and to remind you what the issues are, and they are very simple. One is whether to continue to dedicate the licensing fees, and the other is to allow the department to increase the licensing fees up to \$20 so that we could have five full-time inspectors and four seasonal inspectors for only 10 weeks each.

You should remember that all licensing fees are dedicated, so it is nothing new, just following along exactly as it has always been in the past.

The agriculture industry, the dairies, potato, harness racing, pesticides control, those are mostly promotional, those are all dedicated fees. Business Regulation and insurance, banking, real estate and accounting boards, that is dedicated. Forest products, petroleum and hazardous waste, fishing, hunting, gas tax, utilities, industry fees, these are all dedicated. The fees that are now there are dedicated. That is nothing new, not at all. The fees are up to \$20, it doesn't have to be \$20, and the industry wants it. They came here to the hearing and pleaded with us to do it. That is what we are asking you to do here today, to go along with what the industry believes is right, that the department wants, that the majority of the committee wants, and that is what we are dealing with right here and now, this one bill before us.

I hope indeed you will reconsider and that you will vote yes on the pending motion before us.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I ask that you vote against the reconsideration of this bill. True, one of the big issues in this bill is the dedication or undedication of the funds. As I told you yesterday, this activity, with this large increase, will find one way or another to spend the money as it is received. If it is in the General Fund, it will have to justify their expenditures and their requirements.

You have just heard the gentleman from Portland, Representative Nelson, admit that the \$20 fee increase is not necessary. That is one of the main reasons why I ask that you not vote for reconsideration.

The other bill that is in question cuts the increase in half, so I don't believe that the \$20 increase is necessary, as admitted.

I would ask that you vote against the motion to reconsider.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: If I said it wasn't necessary, I apologize; it certainly is. Even the Performance Audit Committee recognizes that they need to increase the fee. Everyone recognizes that they must increase it. They haven't had an increase in six years. There are more lodging and restaurant and board homes are not being inspected at all. They need an in-

crease; that is understood. That is not the point. They need it, they want it themselves. It is "up" to \$20, it's not \$20, there is lots of room in between, and if you increase it to \$20, you protect that increase until 1989. They will not be back asking for anymore; it is safe.

Anyway shouldn't that be in a dedicated fund? All the rest of the licensing fees are. Why should these people work hard, pay for that license and then put it in the General Fund? They want it to protect their own industry.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I move that this Bill be tabled for two legislative days and would ask for a roll call on the tabling motion.

The SPEAKER Pro Tem: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one-fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER Pro Tem: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that this be tabled pending the motion of Mr. Curtis of Waldoboro to reconsider and specially assigned for Tuesday, March 30.

ROLL CALL

YEA—Baker, Beaulieu, Benoit, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond J.N.; Dudley, Erwin, Fitzgerald, Fowlie, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Jacques, Jalbert, Joyce, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Laverriere, Locke, MacEachern, Macomber, Mahany, Manning, Martin, H.C.; McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Nadeau, Nelson, M.; Paradis, P.; Pearson, Perry, Post, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C.B.; Soulas, Soule, Swazey, Theriault, Thompson, Twitchell, Vose.

NAY—Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Canary, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Hanson, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jordan, Kisman, Lancaster, Lewis, Livesay, Lund, MacBride, Martin, A.; Masterman, Masterton, Matthews, McPherson, Moholland, Murphy, Nelson, A.; Norton, O'Rourke, Paradis, E.; Paul, Perkins, Peterson, Pines, Randall, Reeves, J.; Sherburne, Small, Smith, C.W.; Stevenson, Stover, Strout, Studley, Telow, Treadwell, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Connors, Hobbins, Kane, Lisnik, Salisbury, Tarbell, Tuttle, The Speaker.

Yes, 72; No, 71; Absent, 8.

The SPEAKER Pro Tem: Seventy-two having voted in the affirmative and seventy-one in the negative, with eight being absent, the motion does prevail.

The Chair laid before the House the following matter: Bill "An Act Relating to the Closing of State Liquor Stores in Communities with One Store" (Emergency) (H. P. 1996) (L. D. 1972) — In House: Receded from Passage to be Engrossed; In Senate: Passed to be Engrossed as amended by Committee Amendment "A" (H-641) in non-concurrence. Which was tabled and later today assigned pending the motion of Mr. Cox of Brewer to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Without repeating my

previous statement, I would request a division and hope that you would vote against the motion to recede and concur so that we might adhere.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Bangor, Mr. Soulas.

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: For the House's information, I would like to explain to you the position of this particular bill.

Number one, the original bill, that is Mr. Carter's bill, L.D. 1972, is asking you to open all cities with one liquor store; if for some reason that store is to close, to be able to replace that liquor store with an agency store or another liquor store.

The majority of the committee felt that this was a back-door approach to opening up agency stores. In other words, if the commissioner felt that a liquor store should close, then it could be opened with another agency store.

Number two is Committee Report A, that is the majority of the Committee. This recommends that the Liquor Commission be compelled to open a liquor store in any particular city ready to close a liquor store. They will not open another agency store, but they will have to absolutely have to open up or continue with a liquor store.

The minority report, which is the report that Mr. Dudley and I signed, is recommending that any agency store or liquor store be placed in Winslow only. However the gentleman from Winslow, Mr. Carter, moved to accept the original bill. I doing so, he is in a very precarious position because the other body has accepted the Majority Report A. If he continues his route and we don't get any satisfaction from the other body, the bill is dead, and I feel right now if the bill dies, there will not be a liquor store in Winslow. So I think we should go with Committee Amendment "A", even though I felt in the committee that it should be Committee Amendment "B" because I do not feel that a liquor store will be opened in Winslow if this store is closed presently.

I feel — and I know it is going to be very difficult for the gentleman from Winslow to take this, but it is the only thing that is going to help this city unless you feel we can get Committee Amendment "B" and then try to get it through the Senate, which I doubt we are going to do.

In all due respect to my committee chairman, I will concede and hope you will accept the recede and concur motion.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Presque Isle, Mrs. MacBride.

Mrs. MACBRIDE: Mr. Speaker, may I pose a question through the Chair.

I am not clear on this point. If this bill passes, would the commissioner be able to close the state liquor store, for example, in my town and replace it with one or more agency stores?

The SPEAKER Pro Tem: The gentleman from Presque Isle, Mrs. MacBride, has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the gentleman from Bangor, Mr. Soulas.

Mr. SOULAS: Mr. Speaker, if the original bill goes through, that is L.D. 1972, and the liquor store is to close, yes, it can be replaced with an agency store. This is why the committee felt this bill should not be accepted, the original bill.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker and Members of the House: As you can see, it can get very complicated when you start discussing liquor stores. It gets to be an emotional issue and it should not be. This should be treated strictly as a business transaction.

The way the law is currently written, and if we had not found possible space that could be utilized in my community, we would have been

without a state store or any agency store. The law is very clear on that. It is possible that we could have had an agency, but under the existing law, that is not possible either because it was within ten miles of a state store.

To complicate matters, when you don't have space available, you are out of luck, and my community is one of those. It is a unique community, has no main street, very little commercial property available, and that is why I went to the Attorney General's Office and explained my problem, after having tried last year and failed. The hook in the whole problem is the ten mile radius.

As the bill is drafted, which we accepted before in this body, would give the commission the flexibility, in cases where they can't find adequate property, to open an agency store. But before that occurs, the community is involved. The community has the option of holding public hearings. My community elected to by-pass this route because they knew there was no property available and they stated at a council meeting that they were willing to accept either a state store or an agency store because they did not want to lose that facility.

I don't believe that the commission is going to go around the state and close state store after state store to put an agency store in; it has never done so and I don't think they will do it. I don't think the communities would allow them to do it.

What I am saying is, if you go with this bill, you will at least give the commission the flexibility to run the business the way it should be run, and I would hope you would vote against the motion to recede and concur so that we might adhere.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker and Members of the House: I would like to point out the reason why we have the 10 mile radius bill. The gentleman from Winslow says he does not believe the director of the Liquor Commission would go around the state closing liquor stores. Those of us who were here in 1978 and 1979 remember that this is just what was happening and that is why we had the 10 mile radius bill. Agency stores were being put in communities where there was a liquor store, then the profit on the liquor store was dropping and we were being told they were going to have to close the liquor store — that is why we have the 10 mile radius bill.

I think it has become pretty plain by now just what the bill is about. It is not to help Winslow, because the minority report of the committee was, in effect, a private and special bill exempting Winslow from the 10 mile radius, which could be followed in any community that found itself in a real bind that it could not get out of.

The bill seeks to open the whole state where there is a community with only one store to the strong possibility of having its liquor store closed and replaced by a state agency store, which, in the opinion of the Legal Affairs Committee, is simply contrary to the policy of this legislature when 114 members of this legislature last year voted that we did not want the state liquor stores closed the replaced by agency stores.

I guess the question is quite simple here — do we want to encourage the closing of state liquor stores and replacing them with agency stores or not?

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: As a member of this Legal Affairs Committee, I don't want to close state liquor stores and open them with agency stores. That is not the objective of Mr. Carter, the bill or anything else.

If some of you have ever had any experience running a business where you had to pay rent — let me back up a ways. When we put these orig-

inal liquor stores in a shopping center, they wanted them there and they gave them a very low rate of rent because they wanted to promote their own business and they knew this would, but now they have got the traffic going to this particular shopping center, so they have continually raised the rent where this liquor store is.

The commissioner has no club to work on them with. The law is so specific, they can raise the rent every year until we don't make any profit on the liquor that we are selling there. So if this bill were to pass — I didn't sign it out that way because I thought the other thing would take care of Mr. Carter in Winslow — but if we were to pass this bill, we would merely be giving the people in the liquor commission the chance to say to these people that are running these stores — if you are going to double our rent this year, we will just have to close the store, and that is the way it should be, because they won't close the store, they want it there. So, he has no lever or no stick now. They can raise it at random and the only thing he can do is pay it because we are boxed in by the present law and these people who run the shopping centers know it. We are playing right into their hands.

I think we should give this Liquor Commission the stick so he can say, if you are going to raise the rent, we will have to close the store because we get this liquor handled for 7, 7½ or 8 percent and we can't pay 23 percent and we can't pay 40 percent; there is no profit in it for us. We are better off with the store closed, we are not making a profit.

You people can do as you like. I just think a lot of you don't understand the issue. I didn't sign the bill out as I am now talking, but there wouldn't be any harm if we did. At the time, I was only trying to get Winslow a liquor store but, believe me, there is no harm in the original bill. The original bill, I am sure, wouldn't be dealt with unwisely. It would be used to put these people in place that are really sticking it to us on the rent.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Cumberland, Mr. Dillenback.

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: It has been several years since I signed a lease with the State Liquor Commission, so I am not sure just what the new leases are, but I can tell you this — when you sign a lease for a liquor store, we don't raise the rent every year or every two years. We usually sign a 10 year lease and I signed one 12 year lease. That liquor store will be in business, unless the community votes liquor out of that community, you will have that liquor store until such time as the lease expires.

The danger here is, when these leases do expire, you then sit down and negotiate a new rent, and naturally the rents are going to be higher 10 years later, or whatever the term of the lease is.

The Liquor Commission doesn't have to stay in that location. They can go to another location, they can negotiate with somebody else to put a state liquor store in. There is no way they are going to keep raising the rent on these stores. The danger is, when the lease expires, if the Liquor Commission has the opportunity to not go to a state liquor store but to put these stores in grocery stores and corner markets and this type of thing. This is where the danger exists.

If you want to keep state liquor stores, I think you are going to have to follow Mr. Cox's light.

Mr. Carter of Winslow requested a roll call vote.

The SPEAKER Pro Tem: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more

than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER Pro Tem: The pending question is on the motion of the gentleman from Brewer, Mr. Cox, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Armstrong, Austin, Beaulieu, Bell, Boisvert, Bordeaux Boyce, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Chonko, Clark, Connors, Cox, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Erwin, Foster, Gavett, Hanson, Holloway, Huber, Hunter, Hutchings, Jackson, P.T.; Jordan, Joyce, Ketover, Lancaster, Laverriere, Lewis, Livesay, Locke, Lund, MacBride, Mahany, Martin, A.; Martin, H.C.; Masterman, Masterton, Matthews, McCollister, McGowan, McHenry, McPherson, McSweeney, Murphy, Nelson, A.; Nelson, M.; O'Rourke, Paradis, E.; Paul, Pearson, Perry, Pines, Reeves, J.; Richard, Ridley, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Stover, Studley, Swazey, Telow, Theriault, Treadwell, Twitchell, Walker, Webster, Wentworth, Weymouth, Willey.

NAY — Aloupis, Benoit, Berube, Brannigan, Brennerman, Carrier, Carroll, Carter, Conary, Connolly, Davies, Diamond, G.W.; Dudley, Fitzgerald, Fowlie, Gillis, Gowen, Hall, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Ingraham, Jackson, P.C.; Jacques, Kane, Kany, Kelleher, Kiesman, Kilcoyne, LaPlante, MacEachern, Macomber, Manning, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Norton, Norton, P.; Perkins; Peterson, Post, Racine, Reeves, P.; Roberts, Stevenson, Tarbell, Vose.

ABSENT — Baker, Crowley, Gwadosky, Hobbins, Jalbert, Lisnik, Pouliot, Randall, Rolde, Soule, Strout, Thompson, Tuttle, The Speaker.

Yes, 85, No, 52, Absent, 14.

The SPEAKER Pro Tem: Eighty-five having voted in the affirmative and fifty-two in the negative, with fourteen being absent, the motion does prevail.

The Chair laid before the House the following matter: Bill "An Act Concerning Maine Emergency Medical Services" (H. P. 2234) (L. D. 2092) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mr. Brodeur of Auburn offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-690) was read by the Clerk.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Auburn, Mr. Brodeur.

Mr. BRODEUR: Mr. Speaker and Members of the House: Briefly, this amendment removes penalties for emergency medical services that were in the bill. There hasn't been penalties for that for the last 12 years and there is a feeling that this isn't necessary. Also, it changes one drafting error from the committee.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: Many of you may know that emergency medical services is what got me first involved in the Maine Legislature. I have been coming down here for the past 12 years on legislation dealing with the emergency medical services programs and personnel in the state.

This bill this year has been a good effort by the EMS department to codify the laws that we had succeeded in mixing up pretty well over the years trying to make a good EMS program in the state. I think it was a good effort. There were some problems with it. They are based on

the perception that people throughout various parts of the state had in what was needed in the State of Maine.

Where I come from, a rural area where we dealt with volunteers, rescue services, my perception was somewhat different than they were in the urban areas or the areas covered by proprietary or commercial services. We worked pretty hard on this thing and maybe it isn't perfect but it is a real good effort this year, and I urge you to support it.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.

Mrs. Boisvert of Lewiston was granted unanimous consent to address the House.

Mrs. BOISVERT: Mr. Speaker, Ladies and Gentlemen of the House: I am proud and pleased to rise and read this proclamation today because it represents my cultural background.

"WHEREAS, the State of Maine proudly counts among its citizens some 300,000 Franco-Americans; and

"WHEREAS, Franco-American citizens established parishes and subsidized parochial schools of their own to teach the spiritual and moral values upon which this country was founded; and

"WHEREAS, Franco-Americans have been pioneers in creating hospitals, rehabilitation centers, orphanages and homes for the elderly; and

"WHEREAS, the significant cultural, economic and civic contributions made by Franco-Americans have served to enrich our culture and lifestyle here in Maine; and

"WHEREAS, June 24 is the Feast of Saint John the Baptist;

"NOW, THEREFORE, I, JOSEPH E. BRENNAN, Governor of the State of Maine, do hereby proclaim June 24, 1982 as

FRANCO-AMERICAN DAY

throughout the State of Maine and ask all citizens to join in this important observance and show of appreciation toward all Franco-Americans."

(SEAL)

IN TESTIMONY WHEREOF, I have caused the Great Seal of the State to be hereunto affixed GIVEN under my hand at Augusta this twenty-fifth day of March in the year of our Lord One Thousand Nine Hundred and Eighty-Two.

S/JOSEPH E. BRENNAN
Governor

(Off Record Remarks)

By unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House adjourned, all matters passed to be engrossed in concurrence and all matters requiring State Concurrence, and after such matters had been sent to the Senate by the Clerk, no motion to reconsider would be allowed.

On motion of Mrs. Boisvert of Lewiston, Adjourned until Monday, March 29, at nine o'clock in the morning.
closing